



07-28-05

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I hereby certify under 37 CFR §1.10 that this paper and any other attachments referred to therein are being deposited with the United States Postal Service as Express Mail Post Office to Addressee with sufficient postage and is addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.  
Dated: July 22, 2005      Signature: *[Signature]*  
Dawn C. Greenaway

Docket No. GTC-40  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Li How Chen *et al.*

Application No.: 09/175,683

Filed: October 20, 1998

Group No.: 1635

For: NOVEL MODIFIED NUCLEIC ACID  
SEQUENCES AND METHODS FOR  
INCREASING mRNA LEVELS & PROTEIN  
EXPRESSION IN CELL SYSTEMS

Examiner: Richard A. Schnizer

RECEIVED  
OIPE/IAP  
JUL 28 2005

**RENEWED PETITION FOR REVIVAL UNDER 37 CFR 1.137(B)**

MAIL STOP PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the dismissed petition issued by the Office of Petitions on July 18, 2005, enclosed is a Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b) (3 pp.); Submission of Corrected Formal Drawings (1 pg.); and Corrected Formal Drawings (15 sheets, Figs. 1 through 13).

The above-identified application became abandoned on April 11, 2005 for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. Due to a clerical error in docketing, the rapid approach of the final deadline was not understood. Coupled with a failure of the third party draftsman to deliver the formalized drawings in a timely fashion, the final deadline was unintentionally missed. A decision on the petition under 37 CFR 1.137(b) filed June 24, 2005, to revive the above-identified application was dismissed on July 28, 2005 because the drawings provided with the petition were deemed unacceptable by the Draftsperson. The "Notice of Draftsperson's Patent Drawing Review noted that Figure 5, specifically, needed correction. However, pursuant to a telephone conversation on July 22, 2005 between Dawn C. Greenaway, Sr. Patent Paralegal of GTC Biotherapeutics, Inc. and Tyrone Johnson, the Draftsperson who reviewed the drawings for the above-identified application, Mr.

Johnson clarified and confirmed that Figure 10 was the drawing that needed correction. As requested by Mr. Johnson, the descriptive matter has been removed from the legend of Figure 10 and a complete set of Corrected Drawings are hereby submitted with this Renewed Petition for Revival .

Applicant believes no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 502092, from which the undersigned is authorized to draw.

Dated: July 22, 2005

Respectfully submitted,

By 

Byron V. Olsen

Registration No.: 42,960

GTC Biotherapeutics, Inc.

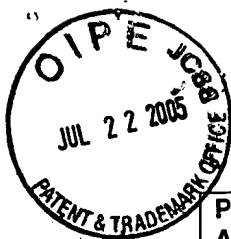
175 Crossing Blvd., Suite 410

Framingham, MA 01702

Tel.: (508) 370-5150

Fax (508) 370-3797

Attorney/Agent For Applicant

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number  
(Optional)  
**GTC-40**

First named inventor: Li How Chen

Application No.: 09/175,683

Art Unit: 1635

Filed: October 20, 1998

Examiner: Richard A. Schnizer

Title: **NOVEL MODIFIED NUCLEIC ACID SEQUENCES AND METHODS FOR  
INCREASING mRNA LEVELS & PROTEIN EXPRESSION IN CELL SYSTEMS**

Attention: Office of Petition

**Mail Stop Petition**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (703) 305-9282.

The above-identified application became abandoned on April 11, 2005 for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extension of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

**1. Petition fee**

☒ Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status.  
See 37 CFR 1.27.

☐ Other than small entity - fee \$ \_\_\_\_\_ (37 CFR 1.17(m))

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**2. Reply and/or fee**

- A. The reply and/or fee to the above-noted Office action in the form of  
Renewed Petition Under 37 CFR 1.137(b) (identify type of reply):  
\_\_\_\_\_ has been filed previously on \_\_\_\_\_.  
☒ is enclosed herewith.
- B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_.  
\_\_\_\_\_ has been paid previously on \_\_\_\_\_.  
\_\_\_\_\_ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

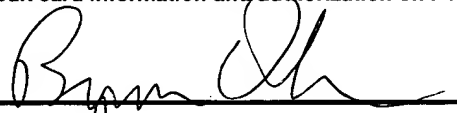
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

## 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ Terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

<u>Signature</u>  <u>Byron V. Olsen</u> Typed or printed name  Byron V. Olsen	<u>Date</u> July 22, 2005  <u>Registration Number, if applicable</u> 42,960  <u>Address</u> GTC Biotherapeutics, Inc. 175 Crossing Blvd., Suite 410 Framingham, MA 01702  <u>Telephone Number</u> (508) 370-5150 <u>Fax Number</u> (508) 370-3797
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Enclosures: ☒ Fee Payment (Authorization to Charge Deposit Account)  
☒ Other: Submission of Corrected Formal Drawings

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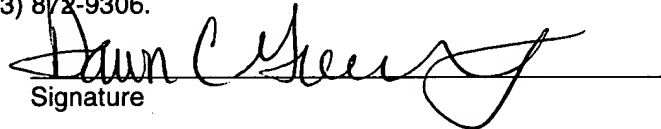
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.10(a)]**

I hereby certify that this correspondence is being:

- ☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as Express Mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

July 22, 2005  
Date Signature

  
Signature

Dawn C. Greenaway

Typed or printed name of person signing certificate

[Page 3 of 3]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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